U.S. DISTRICT JUDGE S.D.N.Y.

FEB 252008

ANDREW M. CUOMO Attorney General

February 25, 2008

LESLIE G. LEACH Executive Deputy Attorney General Division of State Counsel

Hon. Harold Baer, Jr. United States District Court Southern District of New York 500 Pearl Street New York, NY 10007

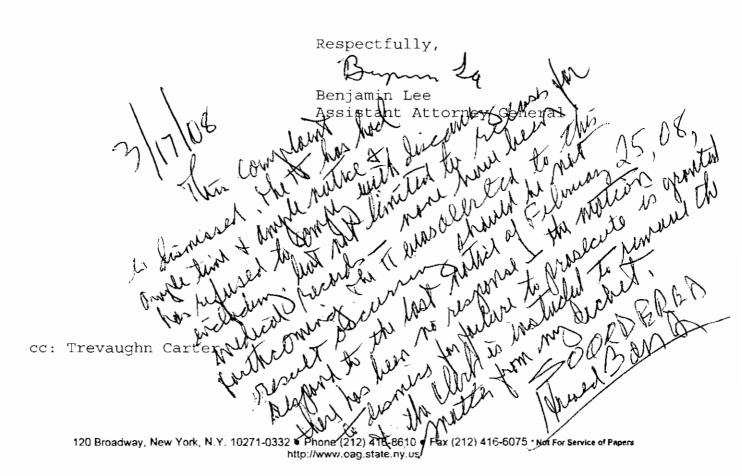
JUNE DUFFY Assistant Attorney General in Charge Litigation Bureau

Re: Carter v. DOCS, 07 Civ. 7788

(212) 416-8922

Dear Judge Baer:

I represent defendants Kudlack, Goulding and Gaynor in the above referenced case. I enclose a proposed order in the above case dismissing the action for failure to prosecute unless plaintiff produces the outstanding documents within 10 days. I have mailed plaintiff the proposed order by overnight mail on this same date.



Endossement 7-2/1-2/08 This complaint is dismissed. The plaintiff has had analystims and ample notice and has refused to comply with discovery including but not limited to releases for medical records – none have been forthcoming. The plaintiff was alerted to this result occurring should he not respond to the last notice of February 25, 2008, there has been no response. The motion to dismiss for failure to prosecute is granted and the clerk is instructed to remove the matter from my docket.